

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 18, 2019

SEAN F. McAVOY, CLERK

U.S.A. vs.

Prince, John David

Docket No.

2:19CR00022-RMP-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant John David Prince, who was placed under pretrial release supervision by the Honorable John T. Rodgers, U.S. Magistrate Judge, sitting in the court at Spokane, Washington, on the 6th day of February. Subsequently, the government appealed the release decision.

On February 7, 2019, the Honorable Wm. Fremming Nielsen, Senior U.S. District Judge, denied the government's motion for review and placed Mr. Prince under the following conditions.

Additional Condition #27: Prohibited Substance Testing: If random urinalysis testing is not done through a treatment program, random urinalysis shall be conducted through Pretrial Services, and shall not exceed six (6) times per month. Defendant shall submit to any method of testing required by the Pretrial Service Office for determining whether the Defendant is using prohibited substances. Such methods may be used with random frequency and included urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Defendant shall refrain from obstructing or attempting to obstruct or tamper in any fashion with the efficiency and accuracy of prohibited substance testing.

Additional Condition #28: Home detention: Defendant shall be restricted to his residence at all times except: attorney visits; court appearances; case-related matters; court-ordered obligations; or other activities as pre-approved by the Pretrial Services Office or supervising officer, including but not limited to employment, religious services, medical necessities, substance abuse testing or treatment, or mental health treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: John David Prince is alleged to have failed to report for random urinalysis testing on three occasions.

On February 8, 2019, the undersigned officer reviewed the conditions of pretrial release supervision with Mr. Prince. He acknowledged an understanding of the conditions, which included additional condition #27.

On February 15, 2019, the undersigned officer referred Mr. Prince to the phase urinalysis testing program at Pioneer Human Services (PHS). Mr. Prince was instructed to contact PHS on a daily basis to determine if he would need to submit to random drug testing. The undersigned officer provided the contact information for PHS to Mr. Prince via email on February 15, 2019.

Mr. Prince failed to submit to random drug testing at PHS on March 1, 6 and 12, 2019.

It should be noted, Mr. Prince submitted to drug testing on March 7 and 13, 2019. Both samples tested negative for the presence of illegal controlled substances.

With regard to the missed drug tests on March 1 and 6, 2019, Mr. Prince claimed he did not receive the contact information for the phase urinalysis testing program, which the undersigned sent to him via email on February 15, 2019. Subsequently, the contact information was resent to Mr. Prince via email on March 7, 2019.

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Regarding the missed drug test on March 12, 2019, Mr. Prince contacted the undersigned officer on March 13, 2019, and advised he was aware of his requirement for drug testing on that date. However, he reportedly went to substance abuse treatment on March 12, 2019, and forgot to go to PHS to submit to random drug testing.

Violation #2: John David Prince traveled to locations that were not pre-approved by the U.S. Probation Office on February 28, 2019.

On February 8, 2019, the undersigned officer reviewed the conditions of pretrial release supervision with Mr. Prince. He acknowledged an understanding of the conditions, which included addition condition #28.

On February 28, 2019, Mr. Prince was pre-approved by the U.S. Probation Office to be out of his residence from 9:30 a.m. to 4 p.m. to attend medical and substance abuse treatment groups at the Veterans Affairs (VA) Medical Center. At approximately 4:33 p.m., Mr. Prince contacted the U.S. Probation Office and advised he had just completed his appointments and would be home in 1 hour. Subsequently, Mr. Prince's schedule was adjusted to allow him to be out of his residence on February 28, 2019, until 5:30 p.m.

A review of Mr. Prince's location on February 28, 2019, through global position systems (GPS) mapping, revealed Mr. Prince went to a hardware store from 11:06 a.m. until approximately 12:35 p.m. He then went to a thrift store from approximately 12:39 p.m. to 12:42 p.m. Mr. Prince proceeded to a restaurant from approximately 12:50 p.m. to 1:39 p.m. It appears Mr. Prince was at the VA Medical Center from 1:50 p.m. to 4:33 p.m. He proceeded to a hardware store from approximately 4:59 p.m. to 6 p.m.

Mr. Prince was not approved to go to any other locations aside from the VA Medical Center on February 28, 2019.

Mr. Prince arrived home at 6:19 p.m.

The undersigned officer confronted Mr. Prince about his whereabouts on February 28, 2019. He confirmed he missed his medical appointment at the VA on February 28, 2019, due to leaving his home too late. He acknowledged he went to lunch and the hardware store. He indicated he went to the hardware store to make a key for his vehicle, that ended up not working.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: March 18, 2019

by s/Erik Carlson

Erik Carlson
U.S. Pretrial Services Officer

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THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

March 18, 2019

Date